

## **Interim Amendments to Civil Service Rule 2-14 Veterans' Preference and Military Leave**

The following interim amendments to Civil Service Rule 2-14 are approved by State Personnel Director John F. Lopez with the consent of Susan Grimes Munsell, Chair of the Civil Service Commission.

The interim amendments are effective February 11, 2002, and are to be applied retroactively to September 11, 2001.

The interim amendments apply to all qualified nonexclusively represented classified employees in indefinite and limited-term appointments who are members of a reserve component of the armed services and are called to active military duty by compulsory call of the president or the governor after September 11, 2001. The enhanced pay and benefit continuation provisions expire on December 31, 2002.

As authorized in Civil Service Rule 1-1.4, these interim amendments are effective until the next meeting of the Civil Service Commission.

Added text is underlined. Deleted text is ~~struck-through~~.

## **Rule 2-14 Veterans' Preference and Military Leave**

### **2-14.1 Definition: Veterans; Disabled Veterans**

A *veteran* is a person with 90 or more calendar days of active service in the armed forces of the United States during any period covered by a selective service law and who has received an honorable discharge or other suitable evidence of honorable active service. A person, other than a disabled veteran, who has retired from any branch of the armed forces is ineligible for veterans' preference. A *disabled veteran* is one who the Veterans Administration or a branch of the military service has determined to be eligible for disability compensation.

## 2-14.2 Preference Credit Points

Preference credit will be applied as follows:

- (a) Within 5 years after a veteran's release from active duty, 5 preference credit points are added, upon request, to the final passing score in any eligible examination taken by the veteran.
- (b) Without regard to time limitations, 5 preference credit points are added, upon request, to the final passing score in any eligible examination taken by surviving spouses of veterans.
- (c) Without regard to time limitations, 10 preference credit points are added, upon request, to the final passing score in any eligible examination taken by disabled veterans, spouses of disabled veterans having greater than 50 percent disability, surviving spouses of veterans having children under 18 years of age, or surviving spouses of veterans with continued parental care of a disabled child.

## 2-14.3 Regular Military Leave of Absence

(a) General provisions; without pay. A classified employee in an indefinite appointment who enters military service in the armed forces of the United States under the provisions of the selective service law, by call to duty, or by voluntary entrance in lieu of being called to duty, is entitled to a military leave of absence ~~without pay~~ for the period of time required to fulfill the military obligation. The regular military leave of absence is without pay or benefits, except as provided in subsection (b). If the employee voluntarily remains in military service beyond the time required by selective service law, the leave and right to restoration to the position formerly occupied or an equivalent position automatically terminates. Continuous state service credit is allowed for the period of the military leave of absence.

(b) Special provisions between September 11, 2001, and December 31, 2002. If an employee is granted an emergency military leave of absence after September 11, 2001, and thereafter is placed on a regular military leave of absence, the employee is entitled to the regular military leave of absence with pay for any active duty period between September 11, 2001, and December 31, 2002. The leave is with pay if the military pay is less than the employee's regular state salary, for each day of absence from scheduled state employment. The pay is equivalent to the difference between the employee's military pay and regular state salary. During any period of military leave with pay, the employer shall also continue to pay the employer's portion of the cost of continuing group medical, dental, and vision insurance.

## 2-14.4 Return from Regular Military Leave of Absence

To return to the classified service, the veteran must apply in writing to the appointing authority within 6 months after release from active duty in the armed forces or discharge from veterans'

hospital. The appointing authority shall restore the veteran to the position formerly occupied or an equivalent position within 30 calendar days of the filing of such application.

### **2-14.5 Temporary Military Leave of Absence**

An appointing authority shall grant a temporary military leave of absence to a classified employee occupying an indefinite position who is in a reserve component of the United States armed forces when ordered to active or inactive duty training. A temporary military leave of absence for active duty training is with pay if the military pay is less than the employee's regular state salary. The pay is equivalent to the difference between the employee's military pay and the regular state salary for each day of absence from scheduled state employment for those same days. The leave cannot exceed 15 regularly scheduled workdays in any fiscal year. Continuous state service credit is allowed for the period of temporary military leave of absence.

(a) If active duty training exceeds 15 regularly scheduled work days in a fiscal year, the employee may choose to be placed on regular military leave of absence without pay or use annual or compensatory time accruals for the remainder of the period of training. The leave and the right to restoration to the position formerly occupied or an equivalent position terminates if the employee fails to return to the classified position within 15 calendar days after release from training duty or after discharge from hospitalization incident to that training. Continuous state service credit is allowed for the period of the military leave of absence without pay.

(b) **Holidays occurring during temporary military leave.** An employee in full pay status is entitled to holiday pay for a designated holiday that occurs or is observed during the period of a temporary military leave of absence. Military pay earned on a holiday is not considered in determining the amount of state salary for the holiday.

### **2-14.6 Emergency Military Leave of Absence**

An appointing authority shall grant an emergency military leave of absence to a classified employee in an indefinite appointment who is a member of a reserve component of the armed forces and is ordered to perform emergency duty, by compulsory call of the governor or the president. The leave is with pay if the military pay is less than the employee's regular state salary, for each day of absence from scheduled state employment. The pay is equivalent to the difference between the employee's military pay and regular state salary. Pay is limited to 30 calendar days. Holiday pay is handled as prescribed in rule 2-14.5(b). If the emergency duty exceeds 30 calendar days, the employee may choose to be placed on regular military leave of absence without pay or use annual leave or compensatory time accruals for the remainder of the duty period. After release from emergency duty, the employee is restored immediately to the position formerly occupied. Continuous state service credit is allowed for the period of emergency military leave of absence.

**2-14.7 Educational Leave**

An appointing authority may grant a leave of absence without pay to a veteran who has completed the equivalent of 6 months in the classified service to take advantage of the educational grants made available by federal funds for veterans' education.

**2-14.8 Abolishment of Positions**

If the former position has been abolished, the veteran is entitled to another position in accordance with the civil service rules and regulations governing employment preference.

**2-14.9 Reclassification**

If the former position has been reclassified either higher or lower, the veteran has the same rights with respect to the reclassified position as would have applied had there been no interruption of state service.

**2-14.10 Combining of Positions**

If the former position has been combined with another position, the veteran's right to the combined position with respect to its present incumbent is determined in accordance with the civil service rules and regulations governing employment preference.

**2-14.11 Examination upon Return**

A veteran returning from military leave has the right to take any examination given during that leave for which the veteran would have been eligible had there been no interruption of state service. The request for examination must be made within 6 months after return to state service.

**2-14.12 State Service**

For employment preference purposes, a regular military leave of absence is considered as state service in the same position and department where the veteran was employed when inducted in the armed forces.

**2-14.13 Salary Step Increase**

If the last service rating of a veteran returning from military leave was satisfactory, the veteran is placed at the salary step that would have applied had there been no interruption of state service.

## **2-14.14 Military Leave for Limited-term Employees**

An appointing authority shall grant a military leave of absence to a classified employee in a limited-term appointment who is a member of a reserve component of the armed forces and is ordered to perform emergency duty, by compulsory call of the governor or the president, as provided below:

**(a) Employee with continuing status; emergency and regular military leave.** An employee in a limited-term appointment who has continuing status gained from an indefinite appointment is entitled to an emergency and regular military leave of absence in the same manner as provided in these rules for an employee in an indefinite appointment.

**(b) Employee without continuing status; limited-term military leave.** An employee in a limited-term appointment who does not have continuing status gained from an indefinite appointment and has at least 6 months continuous service in the limited-term appointment is entitled to a limited-term military leave of absence, as provided below:

**(1) Without pay.** The limited-term military leave of absence is without pay or benefits, except as provided in subsection (c).

**(2) Expiration and extension.** The limited-term military leave of absence cannot continue beyond the date the limited-term appointment would have expired. However, an appointing authority may extend the limited-term appointment during the limited-term military leave of absence and, in such case, the limited-term military leave of absence continues until the end of the approved extension.

**(3) Use of other accruals.** An employee granted a limited-term military leave of absence may choose to use annual leave or compensatory time accruals before beginning the limited-term military leave of absence.

**(4) Reemployment.** To return to the classified service, the veteran must apply in writing to the appointing authority within 28 calendar days after release from active duty in the armed forces or discharge from a veterans' hospital. After applying for reemployment, the employee is restored immediately to the limited-term position formerly occupied, unless the appointment has expired or the position has been abolished.

**(5) Service credit.** Continuous state service credit is allowed for the period of the limited-term military leave of absence.

**(c) Special provisions between September 11, 2001, and December 31, 2002.** If an employee is granted a limited-term military leave of absence after September 11, 2001, the employee is entitled to the limited-term military leave of absence with pay for any active duty period between September 11, 2001, and December 31, 2002. The leave is with pay if the military pay is less than the employee's regular state salary, for each day of absence from scheduled state employment. The pay is equivalent to the difference between the

1 employee's military pay and regular state salary. During any period of military leave with  
2 pay, the employer shall also continue to pay the employer's portion of the cost of continuing  
3 group medical, dental, and vision insurance. Salary and benefit continuation payments  
4 authorized in this subsection expire on the earlier of (1) the date the limited-term military  
5 leave of absence expires or (2) December 31, 2002.

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